

Attorney Docket No.: 5649-1218

17w DAC  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Lee et al.

Confirmation No.: 5987

Serial No.: 10/721,480

Filed: November 26, 2003

For: FERROELECTRIC MEMORY DEVICES INCLUDING PROTECTION  
ADHESION LAYERS AND METHODS OF FORMING THE SAME

December 29, 2004

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO GRANT A FILING DATE FOR A COMPLETE NON-PROVISIONAL  
APPLICATION**

Sir:

In response to the Notice of Incomplete Non-Provisional Application, Applicant hereby petitions to assign the filing date of November 25, 2003, for the above-identified patent application as this was the date the Application (including the 9 formal drawing sheets) was deposited as "Express Mail" in the U.S. Postal Service (USPS). The following is enclosed as evidence of November 25, 2003 being the filing date for the application which was properly filed under 37 C.F.R. § 1.10:

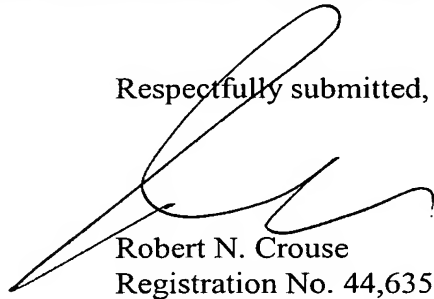
1. A true and accurate copy of the Cover Sheet for the Application showing that 9 formal drawing sheets were included and the Express Mail signature and date on Page 2;
2. A true and accurate copy of a printout from www.usps.com with a tracking status that the package was **delivered** on November 26, 2004;
3. A true and accurate copy of 9 formal Drawing sheets included with the Application; and
4. A true and accurate copy of our return post card indicating that the Application was received by the USPTO and included 9 formal drawing sheets with the application.

This petition is being filed after Applicant became aware that no filing date has been granted as indicated in the Notice of Incomplete Non-Provisional Application. Applicant respectfully requests the granting of November 25, 2003 as the filing date in view of that the Application was mailed with all required parts including the Drawings. Although the USPS did not complete the "date in" box on the Express Mail receipt (through no fault of Applicant), the tracking status print out evidences that the complete Application was mailed via Express Mail on November 25, 2003, as the USPTO received the same on November 26,

2003 (*i.e.*, one day after Applicant mailed the Application). Accordingly, Applicant respectfully requests the granting of November 25, 2003 as the filing date.

The Commissioner is authorized to charge the required fee of \$130 to Deposit Account No. 50-0220 for consideration of the present petition. However, Applicant concurrently hereby petitions for a refund of the petition fee (\$130) on the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505. Thus the need to file this petition is due to error on the part of the USPTO. The Commissioner is authorized to charge any deficiency, credit any overpayments or refunds to Deposit Account No. 50-0220.

Respectfully submitted,

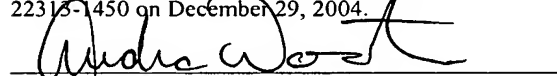


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**Certificate of Mailing under 37 CFR 1.8 (or 1.10)**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: MS Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22315-1450 on December 29, 2004.



Audra Wooten